

III. REMARKS

1. Claims 1-9 and 11-26 remain in the application. Claim 10 has been cancelled without prejudice. Claims 1, 5, 7-9, 11-21, 23-26 have been amended.
2. Claim 1 has been amended to overcome the 35 USC 112, second paragraph rejections.
3. Applicants respectfully submit that claims 1, 2, 5-7, 10-13, 15, 21, 25 and 26 are not anticipated by Haggerty et al. (US 4,331,254, "Haggerty") under 35 USC 102(b).

Haggerty fails to disclose or suggest

a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer,

as substantially recited by claims 1, 25, and 26.

Haggerty discloses a seal comprising a stack of flexible sheets, each having a series of slits radiating towards a perimeter of the sheets. The sheets have are arranged so that the slits are offset. The first two layers also include an aperture in the center. However, Haggerty has no movable layer arranged between a bottom layer and a top layer and nothing capable of closing an aperture in the bottom and top layers.

Therefore, Applicants submit that Haggerty does not anticipate independent claims 1, 25 and 26 and dependent claims 2, 5-7, 10-13, 15 and 21.

4. Applicants respectfully submit that claims 3 and 4 are patentable over the combination of Haggerty and Shillington et al. (US 5,024,327, "Shillington") under 35 USC 103(a).

Claims 3 and 4 depend from claim 1. Shillington discloses a limited access closure cover for a disposable sharps container. However, Shillington, like Haggerty, fails to disclose or suggest a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Because neither reference discloses or suggests this feature, the combination of Haggerty and Shillington fails to render claims 3 and 4 unpatentable.

5. Applicants respectfully submit that claim 8 is patentable over the combination of Haggerty and Albanesi et al. (US 6,586,063, "Albanesi") under 35 USC 103(a).

Claim 8 depends from claim 1. Albanesi is directed to a multilayer material for containing liquid hypochlorite bleach products. Albanesi fails to disclose or suggest the feature of claim 1 missing from Haggerty, that is, a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty and Albanesi fails to disclose or suggest all the features of claim 1 and fails to render claim 8 unpatentable.

6. Applicants respectfully submit that claim 9 is patentable over the combination of Haggerty and Bauer et al. (US 6,902,076, "Bauer") under 35 USC 103(a).

Claim 9 depends from claim 1. Bauer discloses a seal secured to a bottle with a cap member for rupturing the seal. Bauer has nothing related to a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

At least for this reason, the combination of Haggerty and Bauer fails to disclose or suggest all the features of claim 1 and fails to render claim 9 unpatentable.

7. Applicants respectfully submit that claim 14 is patentable over the combination of Haggerty and Stull et al. (US 5,071,017, "Stull") under 35 USC 103(a).

Claim 14 depends from claim 1. Stull fails to disclose or suggest the features of claim 1 missing from Haggerty, that is, a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty and Stull fails to render claim 14 unpatentable.

8. Applicants respectfully submit that claim 16 is patentable over the combination of Haggerty and Jenkins et al. (US 4,847,050, "Jenkins") under 35 USC 103(a).

Claim 16 depends from claim 1. Jenkins, like the other references, fails to disclose or suggest the features of claim 1 missing from Haggerty, that is, a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer.

At least for this reason, the combination of Haggerty and Jenkins fails to render claim 16 unpatentable.

9. Applicants respectfully submit that claims 17 and 18 are patentable over the combination of Haggerty and Mavin et al. (US 2004/0217083, "Mavin") under 35 USC 103(a).

Claims 17 and 18 depend from claim 1. Mavin has no disclosure related to a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer. Therefore, the combination of Haggerty and Mavin fails to disclose or suggest all the features of claim 1 and fails to render claims 17 and 18 unpatentable.

10. Applicants respectfully submit that claims 19 and 20 are patentable over Haggerty under 35 USC 103(a).

Claims 19 and 20 depend from claim 1. As argued above, Haggerty fails to disclose or suggest a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer, as recited by claim 1.

Therefore, Haggerty fails to render claims 19 and 20 unpatentable.

11. Applicants respectfully submit that claims 1, 21, 23 and 24 are patentable over the combination of Haggerty and Berray et al. (US 6,939,513, "Berray") under 35 USC 103(a).

The combination of Haggerty and Berray fails to disclose or suggest:

a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer,

as substantially recited by claim 1.

Berray is directed to a flexible mat of closure plugs for insertion into the tops of sample vials held in a well plate. However, as argued above, Haggerty fails to disclose the movable layer recited by claim 1. Berray also has no disclosure related to this missing feature.

Therefore, the combination of Haggerty and Berray fails to render claims 1, 21, 23 and 24 unpatentable.

12. Applicants respectfully submit that claim 22 is patentable over the combination of Haggerty, Berray and Hague et al. (US 6,286,698, "Hague") under 35 USC 103(a).

Claim 22 depends from claim 1. As argued above, the combination of Haggerty and Berray has no disclosure related to a movable layer arranged between the at least one bottom layer and the at least one top layer for closing an aperture in the bottom and top layer as recited by claim 1. Hague discloses a container with a child resistant closure for preventing an oral dosage from passing out of the container. However, Hague fails to disclose or suggest a cover having a movable layer arranged between a bottom layer and a top layer for closing an aperture in the bottom and top layer.

Therefore, the combination of Haggerty, Berray and Hague fails to render claim 22 unpatentable.


For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

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